

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to the Title of the invention as not being descriptive and requires a new Title. In response, the title has been amended to --CAPSULE MEDICAL APPARATUS HAVING EVACUATION DETECTING AND NOTIFYING DEVICES AND CAPSULE MEDICAL APPARATUS COLLECTING SYSTEM --. Accordingly, it is respectfully requested that the objection to the Title be withdrawn.

In the Official Action, the Examiner rejects claim1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that the term "the detecting result" has no antecedent basis. In response, claim 1 has been canceled thereby rendering the rejection thereof moot. Accordingly, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claims 21 and 24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that claims 21 and 24 are indefinite because of their grammar. In response, claims 21 and 24 have been canceled thereby rendering the rejection thereof moot. Accordingly, it is respectfully requested that the rejection of claims 21 and 24 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claim 25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that it is not clear what is being referred to by the term "extracorporeal" given that the capsule medical apparatus is intended for detecting in-vivo information. In response, claim 25 has been canceled thereby rendering the rejection thereof moot. Accordingly, it is respectfully requested that the rejection of claim 25 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claims 1, 2, 4, 7, 13, 14, 16, and 18-28 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application No. 2003/0114742 to Lewkowicz et al., (hereinafter "Lewkowicz").

In response, claims 1, 2, 4, 7, 13, 14, 16, and 18-28 have been canceled thereby rendering the rejection thereof moot. Accordingly, it is respectfully requested that the rejection of claims 1, 2, 4, 7, 13, 14, 16, and 18-28 under 35 U.S.C. § 102(a) be withdrawn.

However, new claims 53-64 have been added to further define the patentable invention. New claims 53-64 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 53-64.

New independent claim 53 recites a determining device "for determining whether the capsule has been evacuated from the body, the determining device comparing a value detected by the detecting device and a preset threshold value so as to determine whether the capsule has been evacuated from the body."

In contrast, in the apparatus of Lewkowicz, it is necessary for the operator to determine the state of the capsule based on the indication of the positional information by the

extracorporeal device. Thus, Lewkowicz fails to disclose or suggest determining whether the capsule has been evacuated in response to the detected parameter.

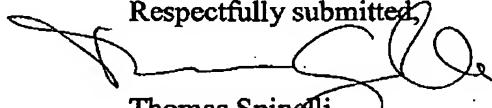
Further, Lewkowicz fails to disclose or suggest a notifying device "for notifying that the capsule has been evacuated from the body in response to the determining result by the determining device" as is also recited in new independent claim 53.

In contrast, the apparatus of Lewkowicz takes into account the speed control or the like in the body and does not detect/notify the evacuation of the capsule from the body.

Thus, Applicants respectfully submit that new independent claim 53 patentably distinguishes over the prior art for at least the reasons set forth above and is allowable and that claims 54-64 are at least allowable as being dependent therefrom.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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